

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JULIE SU, *Acting Secretary of Labor for the  
United States Department of Labor,*

Plaintiff,

v.

VIKING TACTICAL SECURITY GROUP,  
LLC and ROY SMITH,

Defendants.

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1:24-MC-479-RP

**ORDER**

Before the Court is the report and recommendation from United States Magistrate Judge Dustin Howell concerning Plaintiff Julie Su, acting Secretary for Labor for the United States Department of Labor’s (“the Secretary”) Petition to Enforce Administrative Subpoena *Duces Tecum*, (Dkt. 1), and Motion for Default Judgment, (Dkt. 10). (R. & R., Dkt. 13). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Howell issued his report and recommendation on October 25, 2024. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge’s proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate’s report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee’s note (“When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 13), is **ADOPTED**. The Secretary's Motion for Default Judgment, (Dkt. 10), and Petition to Enforce Administrative Subpoena *Duces Tecum*, (Dkt. 1), are **GRANTED**. **IT IS ORDERED** that Respondents inform the court, within ten days of service of the order, of their intent to comply with the subpoena or show cause, if any, for their failure to comply. **IT IS FURTHER ORDERED** that Respondents comply with the subpoena within fifteen days of the order's filing date. **IT IS FURTHER ORDERED** that the statute of limitations set forth in section 255 of the Fair Labor Standards Act, as amended, 29 U.S.C. § 255 from November 21, 2023, is tolled until the date that Respondents have complied in full with the subpoena. **IT IS FINALLY ORDERED** that the Secretary is awarded reasonable attorneys' fees and costs incurred in pursuing this lawsuit.

**SIGNED** on January 16, 2025.



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ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE